REMARKS/ARGUMENTS

This Response and the following remarks are intended to fully respond to the Office Action dated August 6, 2004. In that Office Action, claims 1-40 were examined, and all claims were rejected. More specifically, claims 1, 2, 4-6 and 8 stand rejected under 35 U.S.C.§ 102(b) as being anticipated by Tanaka et al. (USPN 5,471,399); and claims 3, 7 and 9-40 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Tanaka et al. and Calder (USPN 5,949,417). Reconsideration of these objections and rejections, as they might apply to the original claims in view of these remarks, is respectfully requested.

In this Response, no claims have been amended. Therefore, claims 1-40 remain present for examination.

Tanaka et al. (USPN 5,471,399)

Before addressing the Examiner's specific rejections, Applicants wish to discuss the Tanaka reference in detail, as Tanaka is relied on in all the rejections.

Tanaka is directed at managing a network of hardware resources, which Tanaka refers to as "managed object instances." See, col. 1, lines 29-34 ("In the communication network management and display method above, various resources to be managed **or managed object instances** are related to icons abstractly expressed according to the object-oriented design such that the network configuration and network operation status are displayed by use of the icons."). In Tanaka, a central computer gathers information from each of the "managed object instances," examples of which are host computers, exchange systems, and multiplexers. See e.g., col. 3, lines 44-52. A close reading of Tanaka shows that the term "managed object instance" is always used to identify a hardware device in the managed network. See, col. 3, lines 59-62 ("The data base 40 includes a configuration information table 41 for storing therein configuration information related to a plurality of managed object instances constituting the network 10,...").

Applicants believe some confusion has arisen because of the similarity in the language used in Tanaka with language in the present invention as claimed. This confusion is compounded in that Tanaka also mentions object-oriented programming. Regardless, a close reading of Tanaka definitively shows that Tanaka's "managed object instances" themselves are not logical objects vis-à-vis object-oriented programming (although they may be represented by the management software as logical objects). Tanaka's "managed object instances" are hardware

resources of a managed network. Tanaka provides no specifics about the "managed object instances" other than that they have physical connections, physical addresses, belong to a hardware class, and have names.

Applicants submit that Tanaka does not anticipate every element of the pending independent claims as required under 35 USC §102(a). The missing elements are described below.

Tanaka's "managed object instances" do not anticipate the claimed "resource having at least one object"

Specifically Tanaka's "managed object instances" are not a "resource having at least one object" as claimed in the independent claim 1 and 15 nor are they "network resource objects" as claimed in claim 28. In Tanaka, each "managed object instance" hardware device is described only in the very broadest term as providing information to the network management system.

In the pending application, on the other hand, the Applicants specifically state on page 16, lines 10-11, "Additionally, each resource 306 manages one or more objects, such as object 329, 331 and 333." In fact, Applicants point out that Applicants' managed resources need not correspond to specific hardware devices and may be entirely software resources.

Therefore, Tanaka's "managed object instance" hardware devices do not have the features of Applicants' "resource having at least one object" as claimed in claim 1 and 15 or network resource objects as claimed in claim 28. As Tanaka does not teach a "resource having at least one object" as claimed in claim 1 or network resource objects as claimed in claim 28 it cannot anticipate these pending claims under 35 USC §102(a).

Tanaka does not suggest or disclose retrieving data from objects of resources

As Tanaka is silent about how data is managed on the hardware devices, and because at least some of Tanaka's "managed object instances" aren't even computing devices (typical multiplexers and exchanges are not computing devices), Tanaka certainly does not suggest retrieving data from objects of a resource. As previously mentioned, the Applicants specifically state on page 16, lines 10-11, "Additionally, each resource 306 manages one or more objects, such as object 329, 331 and 333." It is from these objects of the resources that the information is retrieved.

Tanaka does not suggest or disclose retrieving data from objects as claimed in claim 1, 15, and 22 and, therefore, cannot anticipate retrieving data from objects of resources.

Tanaka does not suggest or disclose retrieving task information from a resource object

The pending claims include the element "retrieving task information." Applicants describe task information as information about "what object tasks will be available to the user of the resource in managing those objects." As each resource may allow users to perform different tasks, a management system must retrieve the task information from each resource.

Tanaka is directed to graphically displaying the status of a network of hardware resources. Tanaka does not provide any control over the network, only a display of the status of the network. Tanaka does not teach retrieving anything other than current status information from its "managed object instance" hardware devices. The Examiner cited Tanaka col. 5, lines 20-50 as evidence of task information. A detailed examination of that sections shows that only current status information is discussed and there is absolutely no mention of any task that may be performed by Tanaka's "managed object instance" hardware devices being retrieved.

Therefore, Tanaka does not teach or disclose retrieving task information from an object of a resource as claimed.

The preamble of the pending claims contain structure

In anticipation that the Examiner may point out that in claims 1, 15 and 28 some of the elements listed above not shown by Tanaka are in the preamble of some of the independent claims, Applicants remind the Examiner that the elements "resource having at least one object, each object having associated attribute and task information," provide the necessary structure so that it is known where the attribute and task information is obtained in the retrieving step. This clearly limits the structure of the claimed invention and, therefore, must be treated as a claim limitation as required under the Manual of Patent Examining Procedure, Section 2111.02.

Claim Rejections - 35 U.S.C. § 102

Claims 1, 2, 4-6 and 8 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Tanaka et al. (USPN 5,471,399 hereinafter "Tanaka"). Applicants respectfully traverse these rejections.

Under 35 U.S.C. § 102, a reference must show or describe each and every element claimed in order to anticipate the claims. *Verdegaal Bros. v. Union Oil Co. of California* 814 F.2d 628 (Fed. Cir. 1987) ("A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference."). For a limitation to be present under the doctrine of inherency, it must "necessarily" be present. Elan Pharms., Inc. v. Athena Neurosciences, Inc., 00-1467, 2002 U.S. App. Lexis 18007, at *15 (Fed. Cir. 2002) ("An inherent limitation is one that is necessarily present; invalidation based on inherency is not established by 'probabilities or possibilities.'") and Talbert Fuel Sys. Patents Co. v. Unocal Corp., 275 F.3d 1371, 1378 (Fed. Cir. 2002) ("Inherency, however, may not be established by probabilities or possibilities. The mere fact that a certain thing may result from a given set of circumstances is not sufficient.").

Regarding claim 1, as described above, Tanaka does not teach or disclose the claimed limitations (1) a "resource having at least one object," (2) "each object having attribute and task information," (3) retrieving said "task information" or (4) displaying "task information." For at least these reasons, Tanaka does not anticipate independent claim 1. Therefore, Applicants respectfully request that the Examiner withdraw his rejection of claim 1 and its dependent claims 2-14 and find them in a condition for allowance.

Claim Rejections - 35 U.S.C. §103

Claims 3, 7 and 9-40 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Tanaka et al. and Calder (USPN 5,949,417).

In order to establish *prima facie* obviousness under 35 U.S.C. 103(a), three basic criteria must be met, namely: (1) there must be some suggestion or motivation to combine the references or modify the reference teaching; (2) there must be a reasonable expectation of success; and (3) the reference or references when combined must teach or suggest each claim limitation (Manual of Patent Examining Procedure 2142). Applicants submit that the Office Action failed to state a *prima facie* case of obviousness because the references fail to disclose or suggest all of the limitations of the pending claims.

Regarding claim 15, as described above, Tanaka does not teach or disclose the claimed limitations (1) a "resource having at least one object," (2) "each object having attribute and task information," (3) retrieving said "task information" or (4) displaying "task information." For at

least these reasons, Tanaka does not anticipate independent claim 15. Therefore, Applicants respectfully request that the Examiner withdraw his rejection of claim 15 and its dependent claims 16-27 and find them in a condition for allowance.

Regarding independent claims 28 and 36, Applicants submit that the Examiner has failed to show any of the elements of the claim. Applicants request that the Examiner specifically indicate where in Tanaka or Calder there can be found: a "tool zone;" a "work zone;" a "module displayed in the work zone;" "an object zone displayed in the module;" and "a task zone displayed in the module" as claimed in claim 28. Applicants further request that the Examiner specifically indicate where in Tanaka or Calder there can be found: "requesting property sheets from two or more of the network resources;" and "displaying the retrieved property sheets in a web browser." Applicants submit that the Examiner cannot find these elements in the references provided, which is why these elements were not specifically addressed. In any case, the Examiner has not met his burden of under the MPEP, Sections 706 and 2142 to establish a *prima facie* case of obviousness and therefore, and therefore the burden has not shifted to the Applicants.

Regardless of this, Applicants further argue with respect to claim 28 that, as described above, Tanaka does not teach or disclose the claimed limitation of a "network resource object" as claimed. Therefore, Applicants respectfully request that the Examiner withdraw his rejection of claim 28 and its dependent claims 29-35 and find them in a condition for allowance.

Also in addition to the above, regarding claim 36, Applicants traverse the Examiner's argument that "Calder teaches that the present invention is very useful in computer application programs, such as browsers" citing col. 5, lines 41-53. The citation provided by the Examiner refers to property sheets of browser applications and has nothing to do with property sheets displayed by a browser. Calder discloses only the display of property sheets by an application that is specifically designed to obtain the property sheets from the operating system. Calder does not teach or suggest that a generic web browser application could be employed in a method of displaying management information. Therefore, for at least this reason, Applicants respectfully request that the Examiner withdraw his rejection of claim 36 and its dependent claims 37-40 and find them in a condition for allowance.
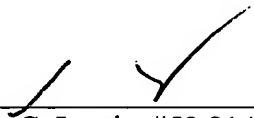
Conclusion

It is believed that no further fees are due with this Response. However, the Commissioner is hereby authorized to charge any deficiencies or credit any overpayment with respect to this patent application to deposit account number 13-2725.

In light of the above remarks, it is believed that the application is now in condition for allowance, and such action is respectfully requested. Should any additional issues need to be resolved, the Examiner is requested to telephone the undersigned to attempt to resolve those issues.

Respectfully submitted,

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